

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Winyah Davenport o/b/o K.D.,)	Civil Action No.: 6:14-3858-MGL
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
Carolyn W. Colvin, Commissioner of)	
Social Security,)	
)	
Defendant.)	
_____)	

Plaintiff Winyah Davenport, (“Plaintiff”), brought this action on behalf of her minor daughter pursuant to 42 U.S.C. § 1383(c)(3), to obtain judicial review of a final decision of the Defendant, Commissioner of Social Security, denying her claim for Supplemental Security Income, (“SSI”), under Title XVI of the Social Security Act. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(a), D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pretrial handling. On March 16, 2016, the Magistrate Judge issued a Report and Recommendation, (“Report”), (ECF No. 17), recommending that the Commissioner’s decision be affirmed. Objections to the Report were due by April 4, 2016. Plaintiff did not file any objections, and the matter is now ripe for decision.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). In the absence of a timely filed Objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Applying the above standards to the instant matter, the Court has carefully reviewed the record, applicable law, and the Magistrate Judge’s Report, (ECF No. 17), and finding no clear error in the Report, the Court adopts and incorporates it by reference. Accordingly, the decision of the Commissioner is **AFFIRMED**.

IT IS SO ORDERED.

s/Mary Geiger Lewis
United States District Judge

April 5, 2016
Columbia, South Carolina